

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

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) MDL No. 1456
)

) Civil Action No. 01-CV-12257-
) PBS
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THIS DOCUMENT RELATES TO

)
) Judge Patti B. Saris
)

State of Nevada v. American Home Prods.
Corp., et al.,
D. Nev. Cause No. CV-N-02-0202-ECR

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**DEFENDANT NOVARTIS PHARMACEUTICALS
CORPORATION’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant Novartis Pharmaceuticals Corporation (“NPC”), by and through its attorneys, respectfully requests that summary judgment be granted to NPC on all of Plaintiff State of Nevada’s (“Plaintiff”) claims against NPC on the ground that Plaintiff’s claims fail against NPC as a matter of law. In support of this Motion, NPC submits its Memorandum in Support of Novartis Pharmaceuticals Corporation’s Motion for Summary Judgment; NPC’s Local Rule 56.1 Statement of Undisputed Facts; Affidavit of Samuel N. Lonergan, Esq., (Exhibits 2 and 3 of which will be filed under seal); Affidavit of Michael Conley; Affidavit of Thomas Held; and Affidavit of Bette Schultz.

WHEREFORE, NPC respectfully requests that the motion for summary judgment be GRANTED to NPC on all of Plaintiff’s claims.

Pursuant to L.R. 7.1, NPC believes that oral argument may assist the Court in resolving the issues presented in this motion and respectfully requests that oral argument be heard.

DATED: February 8, 2007

Respectfully submitted,

/s/ Karen F. Green

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Attorneys for Defendant
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LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that defense liaison counsel conferred with counsel for Plaintiff in a good faith effort to resolve the issues raised by this motion, and counsel for Plaintiff has advised that Plaintiff does not assent to this motion.

DATED: February 8, 2007

/s/ Brett Budzinski

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2007, a true and accurate copy of the Memorandum in Support of Novartis Pharmaceuticals Corporation's Motion for Summary Judgment was served via the Lexis-Nexis Filing System:

DATED: February 8, 2007.

/s/ Brett Budzinski